

North Dakota Board of Nursing

Meeting Minutes – November 19-20, 2009

Call to Order: November 19, 2009 at 8:30 a.m. – Board of Nursing Conference Room, 919 S 7th Street, Ste 504, Bismarck, ND.

Roll Call: Eight board members present as follows:

Nelson (Buzz) Benson, RN, President
JoAnn Sund, RN
Elizabeth Anderson, LPN
Melissa Frank, LPN

Julie Traynor, RN, Vice-President
Daniel Rustvang, RN (absent 12:00pm to 3:00 pm on 11/19)
Karen LaLonde, Public Member

Absent: Charlene Christianson, RN (Absent 11/19 present 11/20)
Hilary Kaisershot, LPN

Staff Present:

Constance Kalanek, RN, Executive Director
Patricia Hill, RN, Asst. Director for Practice & Discipline
Linda Shanta, RN, Associate Director for Education

Karla Bitz, RN, Associate Director
Julie Schwan, Admin Services Coordinator

Observers were present as indicated on the attached rosters.

AGENDA	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. No items were identified for discussion.</p> <p><i>Motion:</i> Anderson, seconded by Sund to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed.</p> <p><i>Motion:</i> Traynor, seconded by LaLonde to: APPROVE THE AGENDA AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	No one was present to address the board during open forum.
2.1 September 17-18, 2009 Meeting Minutes	<p><i>Discussion:</i> The minutes of the September 18-19, 2009 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: APPROVE THE MINUTES OF THE SEPTEMBER 18-19, 2009 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through October 31, 2009 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 29% and actual expenses were at 30% of budgeted.
3.2 Strategic Plan (11/20/2009 @ 8:30)	<p><i>Discussion:</i> The board reviewed and completed the strategic plan on Friday morning (November 20) with Rose Stoller.</p> <p><i>Motion:</i> Anderson, seconded by Rustvang to: ACCEPT THE STRATEGIC PLAN AS DEVELOPED FOR 2010-2013.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
3.3 2008-2009 NDBON Annual Report	<p><i>Discussion:</i> The Annual Report for 2008-2009 has been prepared. One correction was noted on page 8 in the date under the NFI Pilot Study. Other changes were noted to the names and schools of the Dakota Nursing Program. The annual report will be posted on the website under "Publications".</p> <p><i>Motion:</i> Sund, seconded by Anderson to: ACCEPT THE DRAFT 2008-2009 ANNUAL REPORT (NDCC 43-12.1-08 (J) PENDING REVISION OF EDITS ON PAGE 8 (NFI) AND PAGE 19.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
3.4 Report of Audit 2008-2009 8:40 a.m.	<p><i>Discussion:</i> Nora Sperle, CPA with EideBaillly presented the 2008-2009 Financial Audit report that was completed this fall. The report was reviewed in detail, and Sperle indicated that the board is in a good financial position with net assets in proper range to allow for any unexpected loss of income.</p> <p><i>Motion:</i> Rustvang, seconded by Frank to: ACCEPT THE 2008-2009 AUDIT REPORT (NDCC 43-12.1-08 (D).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>

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3.5 Review of Compensation Plan – Finance Committee	<p><i>Discussion:</i> The compensation plan has not been revised since 2001, and the board agreed a review of the plan is recommended prior to the next budget meeting.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: DIRECT THE FINANCE COMMITTEE TO REVIEW THE CURRENT COMPENSATION PLAN AND MAKE RECOMMENDATIONS FOR REVISIONS TO THE BOARD FOR THE MARCH BOARD MEETING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>																				
4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Three individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</p> <table><tr><th>NAME</th><th>Lic/Reg #</th><th>City, State</th><th>Sanction</th><th>Penalty Fee</th></tr><tr><td>Christensen, Krista</td><td>104158UAP/MA</td><td>Lamoure, ND</td><td>Reprimand</td><td>\$100</td></tr><tr><td>Vallie Merrifield, Pamela</td><td>R31312/Initial APRN</td><td>Grand Forks, ND</td><td>Reprimand</td><td>\$200</td></tr><tr><td>Van Enk, Ellen</td><td>105487UAP/MA</td><td>West Fargo, ND</td><td>Reprimand</td><td>\$750</td></tr></table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Christensen, Krista	104158UAP/MA	Lamoure, ND	Reprimand	\$100	Vallie Merrifield, Pamela	R31312/Initial APRN	Grand Forks, ND	Reprimand	\$200	Van Enk, Ellen	105487UAP/MA	West Fargo, ND	Reprimand	\$750
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4.3 Voluntary Surrender	<p><i>Discussion:</i> Three individuals have signed and submitted voluntary surrenders, seeking the Board's consideration and approval of its terms. The board reviewed and discussed the facts and terms of the Voluntary Surrenders.</p> <p><i>Motion:</i> Frank, seconded by Traynor to: APPROVE AND ACCEPT THE PROPOSED VOLUNTARY SURRENDERS AS A FINAL ORDER OF THE BOARD FOR THE FOLLOWING INDIVIDUALS.</p> <table><tr><th>Name</th><th>Lic/Reg #</th><th>City, State</th><th>Penalty Fee</th></tr><tr><td>Vengels, Kylee</td><td>106135 UAP/MA</td><td>Minot, ND</td><td>\$100</td></tr><tr><td>Paulsen, Mary</td><td>R16508</td><td>Williston, ND</td><td>\$200</td></tr><tr><td>Matzke, Deborah</td><td>L7366</td><td>Marion, ND</td><td>\$200</td></tr></table>	Name	Lic/Reg #	City, State	Penalty Fee	Vengels, Kylee	106135 UAP/MA	Minot, ND	\$100	Paulsen, Mary	R16508	Williston, ND	\$200	Matzke, Deborah	L7366	Marion, ND	\$200				
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4.41 Stipulation for Settlement – Anna Schiele, L12300	<p><i>Discussion:</i> A Stipulation for Settlement was received from Anna Schiele, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) NDAC 54-02-07-01.1 (5)(6)(7).</p> <p><i>Motion:</i> Sund, seconded by Anderson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ANNA SCHIELE, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none">♦ ISSUE A REPRIMAND;♦ ASSESS A \$800 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND♦ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>																				
4.42 Stipulation for Settlement – Brent Larsen, R30509	<p><i>Discussion:</i> A Stipulation for Settlement was received from Brent Larsen, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(12).</p> <p><i>Motion:</i> Sund, seconded by Rustvang to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR BRENT LARSEN, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none">• INDEFINITELY SUSPEND HIS RN LICENSE (MINIMUM SIX MONTHS); AND• OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>																				

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4.43 Stipulation for Settlement – Arlene Becknell, R21026	<p><i>Discussion:</i> A Stipulation for Settlement was received from Arlene Becknell, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (8).</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ARLENE BECKNELL, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$800.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, recuse; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.44 Stipulation for Settlement – Hilary Kaisershot, L9219	<p><i>Discussion:</i> A Stipulation for Settlement was received from Hilary Kaisershot, LPN, seeking the Board's consideration and approval of its terms. The board discussed whether a conflict exists. Bergeson indicated that according to the policy developed this past year, the board would process a complaint against a board member in the same process as any other nurse with a complaint filed against them. In the order, Ms. Kaisershot denies the allegations, but agrees that the board has evidence that would support a violation of the law. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (2).</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR HILARY KAISERSHOT, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$400.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
4.45 Stipulation for Settlement – Wanda Behling, L6590	<p><i>Discussion:</i> A Stipulation for Settlement was received from Wanda Behling, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (2)(5)(6).</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR WANDA BEHLING, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
4.46 Stipulation for Settlement - Donna Steen L11703 and 99615UAP (inactive)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Donna Steen, LPN and UAP, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (1)(3)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(7)(8)(9).</p> <p><i>Motion:</i> Traynor, seconded by LaLonde to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DONNA STEEN, LPN, UAP, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LPN LICENSE AND UAP REGISTRATION FOR TWO YEARS; ◆ ASSESS A \$1600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, recuse; Sund, yes; Traynor, yes; 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.47 Stipulation for Settlement - Arlene Korsmo, L311	<p><i>Discussion:</i> A Stipulation for Settlement was received from Arlene Korsmo, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (7).</p> <p><i>Motion:</i> Sund, seconded by Anderson to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ARLENE KORSMO, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$300.00 PENALTY FEE, AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>

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4.48 Stipulation for Settlement - Tricia Brown, RN applicant for Licensure by Examination	<p><i>Discussion:</i> A Stipulation for Settlement was received from Tricia Brown, RN Applicant, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (1).</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR TRICIA BROWN, RN APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE RN LICENSE FOR TWO YEARS UPON PASSING THE NCLEX-RN EXAMINATION; ◆ REQUIRE PARTICIPATION IN WIP FOR THE PERIOD OF ENCUMBRANCE; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
4.51 Consent Order – Dennis Cannizzaro R31001	<p><i>Discussion:</i> Bergeson was present for this agenda item and reviewed the history of the case. A Consent Order was received from Dennis Cannizzaro, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(9) and NDAC 54-02-07-01.1 (16)(17).</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <p>ACCEPT THE TERMS OF THE PROPOSED CONSENT ORDER FOR DENNIS CANNIZZARO, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ACCEPT THE PERMANENT VOLUNTARY SURRENDER HIS RN LICENSE, AND ◆ ASSESS ONE HALF OF COSTS AND DISBURSEMENTS, AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, recuse; Rustvang, yes; Sund, yes; Traynor, yes; 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.61 Default Hearing – Theresa Langerud, 100061UAP/MAIII 9:15 a.m.	<p><i>Discussion:</i> Brian Bergeson, SAAG, was present for this agenda item for a default hearing for Theresa Langerud, UAP. A complaint was filed against Theresa Langerud for violation of NDCC 43-12-1-14(1)(3)(5). Bergeson explained that the respondent failed to respond or appear to answer the allegations of the complaint. Respondent was notified of the hearing, but was not present for the hearing and was not represented by counsel. The Board was presented with the procedural background of the case, including the date of service of complaint and the lack of any answer or response by the Respondent. Board staff provided testimony supporting the factual allegations of the complaint. The disciplinary review panel presented to the Board a recommendation of disciplinary sanctions. The board reviewed and discussed the facts and conclusions of law applicable to the case.</p> <p><i>Motion:</i> Anderson, seconded by Sund that:</p> <ul style="list-style-type: none"> • THE RESPONDENT HAS DEFAULTED; • THE FACTS IN THE CASE AGAINST THERESA LANGERUD, UAP, HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE, • THE ALLEGATIONS OF THE COMPLAINT DULY REFLECT VIOLATION OF NDCC 43-12.1-14 (1) (3) (5) AND NDAC 54-02-07-01.1 (5) (6) (12). • THE BOARD ENTER IT'S ORDER TO: <ul style="list-style-type: none"> ◆ SUSPEND THE REGISTRATION FOR A PERIOD OF TWO YEARS; ◆ ASSESS A \$1500.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, recuse; Rustvang, yes; Sund, yes; Traynor, yes; 6 yes, 0 no, 1 recuse, 2 absent. Motion carried.</p>
4.71 Request for Reinstatement - Katie Jaster, L10601	<p><i>Discussion:</i> Katie Jaster, LPN has requested reinstatement of her suspended LPN license. Ms Jaster was not present for this agenda item. Staff reviewed the history and request for reinstatement. The board expressed concern that Ms. Jaster does not fully understand the recommended reinstatement requirements. The board reviewed and discussed the Disciplinary Review Panel recommendation to encumber the license for two years with participation in the Workplace Impairment Program during the encumbrance. The board had questions for Ms. Jaster and requested that Ms. Jaster make a personal appearance as required for reinstatement in her board order.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to:</p> <p>TABLE ACTION ON KATIE JASTER'S REQUEST FOR REINSTATEMENT OF HER SUSPENDED LPN LICENSE UNTIL THE JANUARY 2010 MEETING TO ALLOW STAFF TO CONTACT MS JASTER REGARDING HER OPTIONS FOR NURSING LICENSURE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
4.81 Request for Reconsideration: Elizabeth Soholt RN applicant for Licensure by Endorsement	<p><i>Discussion:</i> At their September 2009 meeting, the board denied Elizabeth Soholt's application for License by Endorsement based on NDCC 43-12.1-14 (2) and (4) as the evidence demonstrated that Elizabeth Soholt has been disciplined by a board of nursing in another jurisdiction, and that Elizabeth Soholt has submitted fraudulent, deceitful or false information to the Board. A Petition for Reconsideration of the Board's decision was received October 7, 2009. Ms. Soholt was not present and no additional documents have been submitted since the request for reinstatement had been received.</p> <p><i>Motion:</i> Sund, seconded by Frank to:</p> <p>DENY THE REQUEST FOR RECONSIDERATION OF THE BOARD ORDER DENYING APPLICATION FOR ELIZABETH SOHOLT.</p>

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4.81 Elizabeth Soholt (continued)	<i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.
4.91 Other – Sandra Klosterman	<p><i>Discussion:</i> Sandra Klosterman submitted a NNAAP Admission Application with a positive response to the criminal history and CD questions. The board reviewed the disciplinary review panel recommendation to deny the application.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: DENY THE NNAAP APPLICATION FOR SANDRA KLOSTERMAN BASED ON NDCC 43-12.1-14(1).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
4.10.1 Miscellaneous	<p>The board reviewed the following licensure status:</p> <ul style="list-style-type: none"> Nichole Overby, L11607 – Notice of Suspension issued November 10, 2009 and license automatically SUSPENDED for a period of two years for violating terms and conditions of Stipulation for Settlement dated 1/2/09.
4.11 Denial of Licensure/Registration – Policy Revision	<p><i>Discussion:</i> The board reviewed revisions to the Denial of Licensure and Registration policy that defines procedures for denial of licensure/registration and the process for reapplication. This process is currently being used but was not detailed in policy.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE REVISED DRAFT POLICY “DENIAL OF LICENSURE/REGISTRATION” WHICH FURTHER DEFINES THE PROCEDURES FOR DENIAL OF REGISTRATION AND THE PROCESS FOR REAPPLICATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
5.11 Concordia College BAN survey for continued full approval (NEC)	<p><i>Discussion.</i> Dr. Polly Kloster, Chair of the Dept of Nursing was present for this agenda item. Shanta performed an on-site survey to Concordia College with Kalanek reviewing the pre and post survey reports and all other documents submitted by the program. The Nursing Education Committee reviewed the report in detail. It was noted that Concordia College is using a different model for clinical education faculty to help alleviate faculty shortages and to add clinical expertise of the team in specialty areas. Dr. Kloster reports it is working well.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND TO THE BOARD THAT:</p> <ul style="list-style-type: none"> CONCORDIA COLLEGE BACCALAUREATE PROGRAM IS FULLY COMPLIANT WITH NDAC 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND GRANT CONTINUED FULL APPROVAL TO THE CONCORDIA COLLEGE BACCALAUREATE PROGRAM THROUGH NOVEMBER 2014. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
5.12 Jamestown College BSN Survey for continued fall approval (NEC)	<p><i>Discussion:</i> Dr. Jacquelyn Mangnall was present via phone for this agenda item. Jamestown College qualified for a paper survey, which was reviewed by Shanta and Kalanek. There was one area of partial compliance noted from the survey which was NDAC 43-03.2-04-04 Baccalaureate or graduate nurse program faculty qualifications, however, the program is in full compliance with NDAC 54-03.2-04-08 Employment of unqualified faculty.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMENDS TO THE BOARD THAT:</p> <ul style="list-style-type: none"> JAMESTOWN COLLEGE BACCALAUREATE PROGRAM IS SUBSTANTIALLY COMPLIANT WITH NDAC 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND GRANT CONTINUED FULL APPROVAL TO THE JAMESTOWN COLLEGE BACCALAUREATE PROGRAM THROUGH NOVEMBER 2014. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
5.21 TMCC questions and staff response	The board reviewed an e-mail from Mr. Larry Henry, Academic Dean of Turtle Mountain Community College, questioning whether a Director needs to be in place prior to a initial survey, as they are in the processing of terminating the current director. The board reviewed the response to Mr. Henry and Dr. Davis, indicating that the program does need to have a director in place prior to a survey and/or program approval and the program needs approval before offering any nursing courses to students.
5.22 Update on transcript clarification issues with TMCC	The board reviewed a copy of e-mail communication from the higher learning commission regarding TMCC transcripts not providing transfer courses from other institutions and withdrawal of program approval. Kalanek requested further clarification on their response but has not received a response. Staff continues to work with graduates from TMCC to obtain transcripts from other institutions.
5.23 NDSCS Programmatic Change (NEC)	<i>Discussion:</i> ND State College of Science had an institutional change in their curriculum for freshman students which increase the total number of credits to graduate from the program by one credit. The NEC reviewed the change and recommends approval.

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AGENDA ITEM	ACTION
5.23 NDSCS Programmatic Change (NEC) (continued)	<p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD APPROVE THE PROPOSED PROGRAMMATIC CHANGE FROM THE ND STATE COLLEGE OF SCIENCE AASPN AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGES ARE IN FULL COMPLIANCE WITH NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.24 Minot State Programmatic Change	<p><i>Discussion:</i> Minot State University had graduation requirements changed some time ago, but did not notify the board of the programmatic change at that time, but did so recently with submission of Annual Report information. The change decreased the number of electives as a university and it was not specific to the nursing program.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: APPROVE THE PROPOSED PROGRAMMATIC CHANGE FROM THE MINOT STATE UNIVERSITY AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGES ARE IN FULL COMPLIANCE WITH NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.31 Missouri Slope Lutheran Care Center Medication Assistant Program II	<p><i>Discussion:</i> Missouri Slope Lutheran Care Center has submitted their Medication Assistant Program II course for continued approval. The course was reviewed and meets the board's guidelines.</p> <p><i>Motion:</i> Sund, seconded by Traynor: <ul style="list-style-type: none"> • THAT MISSOURI SLOPE LUTHERAN CARE CENTER MEDICATION ASSISTANT PROGRAM II MEETS THE REQUIREMENTS FOR MEDICATION ASSISTANT PROGRAM II AS SET BY NDAC CHAPTER 54-07-07 AND • THE BOARD OF NURSING GRANT CONTINUED APPROVAL FOR THIS COURSE TO BE OFFERED BY MSLCC OF BISMARCK, ND FROM NOVEMBER 2009 THROUGH NOVEMBER 2013 </p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.32 Dakota College at Bottineau Medication Assistant Program II	<p><i>Discussion:</i> Dakota College at Bottineau has submitted a new Medication Assistant Program II course for approval. The course was reviewed and meets the board's guidelines.</p> <p><i>Motion:</i> Anderson, seconded by Sund that: <ul style="list-style-type: none"> ♦ DAKOTA COLLEGE AT BOTTINEAU MEDICATION ASSISTANT PROGRAM II MEETS THE REQUIREMENTS FOR MEDICATION ASSISTANT PROGRAM II AS SET BY NDAC CHAPTER 54-07-07 AND ♦ THE BOARD OF NURSING GRANTS APPROVAL FOR THIS COURSE TO BE OFFERED BY DAKOTA COLLEGE OF BOTTINEAU, ND FROM NOVEMBER 2009 THROUGH NOVEMBER 2013. </p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.33 Medication Assistant Examination discussion.	<p>Staff reported that Pearson will be offering a national certification examination that will be available beginning January 2010 for medication assistants. The test would be administered through Pearson, the same company that administers the NCLEX-RN and PN examinations. More information regarding testing for medication assistant certification will be distributed as it becomes available.</p>
5.41 LPN IV Therapy Course Guideline Revisions	<p><i>Discussion:</i> The board reviewed proposed revisions to the IV Therapy Program Guidelines from the Nursing Education Committee. Shanta reviewed the changes in detail. Additional editorial changes were recommended by the board.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD APPROVE THE PROPOSED REVISIONS TO THE IV THERAPY COURSE GUIDELINES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.51 Nurse Faculty Intern Pilot Study	<p><i>Discussion:</i> Four applications for the Nurse Faculty Intern Pilot Study have been received since the last meeting that meets the requirements for participation.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: RATIFY APPROVAL OF THE FOLLOWING NURSE FACULTY INTERNS: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">Sara Wiedrich Melissa Brodsho</div> <div style="text-align: center;">Betty Schwartz Ahren Dosch</div> </div> </p> <p><i>Roll call vote:</i> Anderson, absent; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 5 yes, 0 no, 4 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
5.52 Report of Out-of-State Students	There are currently 237 out of state students obtaining clinical experience in ND for Fall 2009 semester.
5.521 NDNLG Memo	The board reviewed a copy of a memo distributed by the ND Leadership Council to various organizations regarding out of state students obtaining clinical experience in facilities in ND and the requirements for notification to the board.
5.53 Findet Interagency Cooperative – Follow-up Information on ND Education & Training	Findet (Follow-up Information on North Dakota Education And Training) is a consortium of several state agencies established to provide answers to questions regarding education and employment outcomes. An Executive Summary and Study Summary related to a research study regarding the status of the ND University System (NDUS) nursing program graduates for the academic years of 2005, 2006, 2007 and 2008 was reviewed. In the study summary there was a sentence that stated the study was delimited to associate and bachelor's degrees as requested by the ND Board of Nursing. The board was not involved in the study and a letter was sent to the group to request that the statement be corrected, and suggested that a board of nursing representative be part of the steering committee for this particular study. The group will discuss the board's request at their next meeting.
5.54 Career & Technical education Communication	<p><i>Discussion:</i> Board staff has been communicating with the Department of Career and Technical Education sharing information pertinent to both agencies. The board shared information related to a fraudulent nursing program in the state of TX. The two agencies have been discussing the possibility of CTE staff accompanying board staff on nursing program surveys and sharing information so that the program would not have to go through two surveys.</p> <p><i>Motion:</i> Frank, seconded by Traynor to: DIRECT STAFF TO CONTINUE DISCUSSIONS WITH REPRESENTATIVES OF CTE TO ESTABLISH AN INTERAGENCY AGREEMENT FOR THE PURPOSE OF JOINT NURSING PROGRAM EVALUATION PROCESS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.55 Annual Education Report (NEC)	<p><i>Discussion:</i> The Nursing Education Committee reviewed the 2008-2009 Nursing Education Annual Report. Staff reviewed changes that have been submitted since the document was printed.</p> <p><i>Motion from the Nursing Education Committee to:</i> RECOMMEND THAT THE BOARD APPROVE THE DRAFT 2008-2009 ANNUAL REPORT EDUCATION REPORT WITH CORRECTIONS (NDAC 54-03.2-07-09 CONTINUING COMPLIANCE)</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
5.55-1 MSU- NDAC Programmatic changes – delayed notification	<p><i>Discussion:</i> Minot State University had noted with their submission of Annual Report information that there had been a programmatic change that had occurred and notification to the board had been missed. The change was not specific to the nursing program, but decreased the number of elective requirements needed to graduate.</p> <p><i>Motion:</i> Sund, seconded by Anderson that: MINOT STATE UNIVERSITY BACCALAUREATE PROGRAM RECEIVE A LETTER OF CITATION THAT THE PROGRAM DID NOT MEET THE REQUIREMENTS FOR NOTIFICATION OF MAJOR PROGRAMMATIC CHANGES PRIOR TO IMPLEMENTATION ACCORDING TO NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES, FOR CURRICULAR CHANGES IMPLEMENTED IN SPRING OF 2008.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
6.11 CHRC Policy Revisions	<p>The CHRC Policy has been revised to include records retention of the criminal history record checks and the related financial documents.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: ACCEPT THE PROPOSED REVISIONS TO THE CHRC POLICY THAT RELATES TO RECORD RETENTION FOR CRIMINAL HISTORY RECORD CHECK RESULTS AND RELATED DOCUMENTATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
6.2 Foreign Transcript evaluation services – credentialing	<p><i>Discussion:</i> International Education Research Foundation Inc has requested the board's consideration to become an approved credential evaluations services for license by exam in ND for foreign trained nurses. Staff has had contact with the company representatives and indicates the company has high standards.</p> <p><i>Motion:</i> Anderson, seconded by Sund to: RECOGNIZE INTERNATIONAL EDUCATION RESEARCH FOUNDATION, INC AS AN APPROVED CREDENTIALS EVALUATIONS SERVICE FOR LICENSURE BY EXAMINATION IN ND (NDAC 54-02-01-07 (2))</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>

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AGENDA ITEM	ACTION
6.2 Foreign Transcript evaluation services – credentialing (continued)	<p><i>Discussion:</i> SpanTran Educational Services has also submitted a fact sheet for consideration as an approved credentials evaluation service. Staff has not had contact with representatives from SpanTran. Staff has reviewed information related to the service.</p> <p><i>Motion:</i> Anderson, seconded by LaLonde to: NOT RECOGNIZE SPAN TRAN EDUCATIONAL SERVICES AS AN APPROVED CREDENTIAL SERVICES FOR LICENSURE BY EXAMINATION IN ND (NDAC 54-02-01-07 (2)).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
6.3 Orientation of Oklahoma RNs in the Biolife Plasma Facility in Fargo 9:35 a.m. – Bergeson	<p><i>Discussion:</i> Brian Bergeson, SAAG was present for this agenda item. The board has discussed the issue of BioLife Plasma Services orientation of Oklahoma nurses not licensed in ND that are attending a six week training in Fargo, ND at the September 2009 meeting and an NDBON Executive Committee Meeting on October 1, 2009. BioLife Plasma Services interpret that their nurses do not require licensure under the exemption for short term training allowed under NDCC 43-12.1-04 (10). At the September meeting, the board directed staff and legal counsel to obtain legislative history and intent of the exemption and other pertinent information, and directed the Executive Committee to meet and review the information for resolution. The Executive Committee met on October 1, 2009 and Bergeson provided an overview of the legislative history. Bergeson has been communicating with BioLife Plasma Services regarding board decisions and direction. Effective September 23, 2009 BioLife discontinued their training in the Fargo facility. The Executive Committee also recommends rule revisions to clarify the exemption. Kalanek presented information related to another law that deals with this issue under Chapter 43-51 Professional and Occupational Licensing that allows for a limited practice for up to thirty days in this state. There are currently no policies, procedures, or application process set up for this type of license, but under this law, the board could do so and consider rule changes with the next rule revision. The board discussed the Executive Committee recommendation and the option of the limited practice, and agrees that staff should develop an application process for limited practice for use until the next rule revision.</p> <p>THE EXECUTIVE COMMITTEE MAKES THE FOLLOWING RECOMMENDATION TO THE BOARD:</p> <ul style="list-style-type: none"> DIRECT STAFF TO INCLUDE A RULE ADDITION IN THE NEXT PROMULGATION THAT RELATES TO THE NDCC 43-12.1-04 (10). EXEMPTION. DIRECT BRIAN BERGESON TO PROVIDE A FOLLOW UP LETTER TO BIOLIFE PLASMA SERVICES. ADD TO THE NOVEMBER BOARD AGENDA FOR FURTHER DISCUSSION. <p><i>Roll call vote:</i> Anderson, no; Benson, no; Christianson, absent; Frank, no; Kaisershot, absent; LaLonde, no; Rustvang, no; Sund, no; Traynor, no; 0 yes, 7 no, 2 absent. Motion failed.</p> <p><i>Motion:</i> Sund, seconded by Traynor to:</p> <ul style="list-style-type: none"> DIRECT STAFF TO INCLUDE A RULE ADDITION IN THE NEXT PROMULGATION THAT RELATES TO THE NDCC 43-12.1-04(10) EXEMPTION AND CHAPTER 43-51-05 LIMITED PRACTICE WITHOUT A LICENSE. DEVELOP POLICY AND PROCEDURE FOR APPLICATION BASED ON CHAPTER 43-51-05 DIRECT BRIAN BERGESON TO PROVIDE A FOLLOW-UP LETTER TO BIOLIFE PLASMA SERVICES AFTER POLICY AND PROCEDURE ARE IN PLACE. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
7.11 RNs and Medical Screening Examinations	<p><i>Discussion:</i> The board received calls from nurses related to an article published in the Hospital Happenings, Spring 2009 that refer to an assistant attorney general opinion dated June 2009 that indicate an RN cannot perform a medical screening examination including screening or women in labor in a hospital emergency room. The board had a practice statement adopted May 2000 that allowed such screenings. The board reviewed the article and the assistant attorney general's opinion. An advanced practice registered nurse can do such screenings, but an RN may not. Staff met with the Department of Health to determine what had precipitated the assistant attorney general's opinion. It was determined there was no change in law, but a change in interpretation of the present law. In order to not cause confusion and issues for nurses, it is recommended the practice statement be retired.</p> <p><i>Motion:</i> Sund, seconded by Anderson that: THE BOARD RETIRE THE CURRENT PRACTICE STATEMENT FOR RNS AND MEDICAL SCREENING EXAMINATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
7.12 Utilization of Paramedics in nonemergency roles (NDCC 33-36-04-04 (f))	<p><i>Discussion:</i> The board had discussed utilization of paramedics in nonemergency roles at previous meetings without resolution. The board reviewed the Scope of Practice for Emergency Medical Services Professional and noted that the supervision and responsibility of these individuals is by the hospital's nurse executive.</p> <p><i>Motion:</i> Sund, seconded by LaLonde that: THE BOARD ACCEPT THE REPORT ON THE UTILIZATION OF PARAMEDICS IN NONEMERGENCY ROLES (NDCC 33-36-04-04 (F)).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>

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7.13 Report from the ND County Social Services Meeting	<p><i>Discussion:</i> Numerous questions from quality service providers have been received related to the Medicare Waiver – NDAC 54-07-01-04 Medicaid Waiver recipient services providers. Staff recommends a task force be developed to review the guidelines that were developed years ago. It was decided that the board members that serve on the Nurse Practice Committee would also serve on this task force.</p> <p><i>Motion:</i> Anderson, seconded by Traynor that: THE BOARD FORM A TASK FORCE CONSISTING OF REPRESENTATIVES FROM NDBON, THE ND DEPT OF HUMAN SERVICES, HOME HEALTH REPRESENTATIVE AND ND BOARD OF PHARMACY TO STUDY THE MEDICAID WAIVER – NDAC 54-07-01-04 MEDICAID WAIVER RECIPIENT SERVICE PROVIDERS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
7.21 ND Nursing Needs Study – NDCC 43-12.1-08.2	Dr. Moulton and her staff are currently working on the technology survey, which is a repeat of a survey done five years ago. Preliminary results indicate a huge change from last survey in use of technology.
7.31 Discussion on Scope of Practice	<p><i>Discussion:</i> Staff had a conference call with an FNP related to assisting in surgery for cases that were not typically within their scope of practice. The FNP and a WHCNP are being asked to assist for other procedures as an RN First Assistant when they are available. Staff request feedback from the board as to how to handle these types of requests. The board recommended looking to the national level as to how other states have been dealing with these types of requests.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: DIRECT STAFF TO REVIEW SCOPE OF PRACTICE PARAMETERS UTILIZED BY OTHER JURISDICTIONS FOR APRNS WORKING IN THE ROLE OF FIRST ASSISTANTS AND REPORT BACK TO THE BOARD FOR THE MARCH BOARD MEETING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, absent; Sund, yes; Traynor, yes; 6 yes, 0 no, 3 absent. Motion carried.</p>
7.32 Discussion – APRN purchase of prescription drugs and controlled substance drugs	The board received an inquiry on whether or not APRNs in North Dakota can order and/or purchase prescription (legend) drugs and Controlled Substance drugs from a distributor in an office or clinical setting, or if they are limited to ordering/receiving professional samples only. A response from Howard Anderson, Executive Director of the Board of Pharmacy was also reviewed. The board discussed how and when this scenario would happen and how often. After much discussion, it was recommended that staff check with APRNs in North Dakota for feedback and information. The board tabled action on this agenda item until the next meeting.
7.33 NDCC 50-24.1-32 Medical Assistance – Services provided by APRNS	<p><i>Discussion:</i> The board reviewed an inquiry from a Clinical Nurse Specialist (CNS) requesting if the language in NDCC 50-24.1-32 Medical Assistance – Services Provided by Advanced Registered Nurse Practitioners applies to CNS as well. The legal title for all advanced practice categories in the law is Advanced Practice Registered Nurse (APRN). The board discussed whether the law intent was for all advanced practice nurses or only nurse practitioners.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: REQUEST BRIAN BERGESON SAAG TO REVIEW THE STATUTE RELATED TO NDCC 50-24.1-32 REGARDING THE INCLUSION OF CLINICAL NURSE SPECIALISTS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, absent; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 7 yes, 0 no, 2 absent. Motion carried.</p>
7.34 NCSBN APRN Survey– ND APRNs	NCSBN is developing an APRN film and has chosen North Dakota to use as one of their sites for an example of APRNs working in rural areas.
7.42 American Academy of Ambulatory Care Nursing – endorsement	The board reviewed a Nurse Licensure Compact Position Statement issued by the American Academy of Ambulatory Care Nursing that endorses the nurse licensure compact.
7.43 Implementation date for Missouri	Missouri is the latest state to join the compact effective June 1, 2010. They will be the 24 th state in compact.
7.52.1 Long Term Care Committee – Study or Registration of HCP	The board reviewed testimony and a summary of Legislative Long Term Care Committee meeting on October 29, 2009. The committee is conducting a study to look at the UAP and CNA registry and how to combine the registries.
7.61 Update on OnLine Renewal	RN/LPN renewal is in progress, and as of 11/18/2009, 566 LPNs, 2287 RNs and 160 APRN/SPRNs have renewed.
7.71 Risk Management – Workplace Violence Presentation	Board staff attended a presentation in Workplace Violence by the Bismarck Police Department. There have been situations where disgruntled nurses have appeared at the board office, and staff discussed the situation and how to react in such circumstances.
7.72 Disc Analysis Seminar – October 6	LaVonne Steiner met with board staff for an update disc analysis with new staff person added.

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12.2 Governance	<p>Hilary Kaisershot, LPN Board member was present via conference call for this agenda item at 4:00 p.m. on 11/19/2009. Brian Bergeson, SAAG was also present. The board accepted a Stipulation for Settlement for Kaisershot earlier in the day in which she accepted a reprimand and fee. In the Stipulation for Settlement, Kaisershot neither admits nor denies the allegations. It was noted that the disciplinary process was followed, in the same manner as any other nurse with a complaint filed against them, and in accordance with board policy. Ms. Kaisershot indicated at the beginning of the discussion with the Board that she wanted to do what was in the best interest of the Board. Board members questioned when the PVR was received in the board office. The PVR was received in August 2009. Board members expressed concern whether Kaisershot could continue to be impartial in her position as a Board member after having been through the disciplinary process. Kaisershot reiterated that she denies the allegations of the complaint and indicated that she feels she can be objective as a board member. She indicates she lacks a guilty conscience because she feels she is innocent and she harbors no animosity toward staff or board members as a result of the investigation and resolution. The board questioned Kaisershot's current employment status, as the law requires current employment as a requirement for being a board member. She is currently employed as an adjunct instructor for new CNA course that started in Dickinson through BSC and she will be teaching classes in January. She indicated she was considering whether to resign from the Board, but feels many in the nursing community believe the board is too strict, and she felt this would be an opportunity for the board to show camaraderie toward the nursing community. Bergeson indicated that the governor can remove a board member for cause upon recommendation of two thirds of the board.</p> <p>11/20/2009 – The board continued discussion regarding this agenda item in regards to Kaisershot remaining on the board. The board discussed this issue at length and the majority of members felt it necessary for the integrity of the board to have a recommendation to remove Ms. Kaisershot from her position as a board member for the governor's office from the board. Many members expressed that if they were in this situation, they felt it would be in the best interest of the board if, they would resign. There were still questions whether Kaisershot's current employment meets the requirements of the law. The governor's office is aware that a complaint had been filed and requested resolution information when the board took action. The Board directed President Benson to telephone Ms. Kaisershot and request her resignation. Kaisershot was notified via phone of the board's discussion, and requested more time to make a decision.</p> <p>Motion by Anderson, seconded by Rustvang that: IF A RESIGNATION FROM KAISERSHOT IS NOT RECEIVED BY NOVEMBER 30, 2009, RECOMMEND TO THE GOVERNOR THAT HILARY KAISERSHOT LPN BE REMOVED FROM HER POSITION AS A BOARD MEMBER. <i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; Kaisershot, absent; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 1 absent. Motion carried.</p>
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CONSENT AGENDA:

8.1 NCSBN
8.11 NCLEX Examination Item Development Panel – Sara Ann Gebhardt, RN, Kimberly Ash, RN, Margie Hair RN, Sarah Fuchs RN, Michelle Link RN, Wendy Kopp RN
8.12 NCSBN Publishes 2010 NCLEX – RN Detailed Test Plan
8.13 NCSBN access to member only
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Prescriptive Authority Applications
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.6 Licensure
8.61 Licensed Nurse
8.62 UAP Statistics
8.63 NCLEX-RN
8.64 NCLEX-PN
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Academic and Continuing Education
8.91 Ratification of Approval of Continuing Education for Contact Hours #817 - #821
8.92 MSU-Moorhead notification of 28 AASPN students in clinical education in ND (1 Educator and 1 CNS)
8.93 Indiana State University notification of 1 out of state LPN-BSN student
8.94 Rasmussen College notification of out-of-state students: 10 AASPN students (Fall) and 23 (Spring)

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BOARD COMMITTEES:

9.0 Program Monitoring Committee	
9.1 Nursing Education Committee	November 18 @ 1:30 pm – The NEC Committee viewed a webinar on <u>Education Redesign/Competencies and Curriculum Redesign</u> . They also reviewed information on receipt of first electronic transcript and have agreed to form a work group to review the survey report process for schools for future board review. The board discussed joint surveys with NLN or CCNE as well. Staff indicates that some programs do not want joint surveys, while others do. Staff makes an effort to do whatever the program prefers.
9.2 Finance Committee	
9.3 Executive Committee	October 1, 2009 – Reviewed minutes of meeting related to BioLife Plasma services
9.4 Prescriptive Authority Committee	
9.5 Nursing Practice Committee	
9.6 Prescription Drug Monitoring Program Committee	November 19, 2009 – 12:00 – 3:00 p.m. – Rustvang attended 11/19/2009 from noon to 3:00 pm. The Prescription Drug Monitoring Program has existed for three years, and is one of 33 in the nation. It has been identified as one of the best programs in the nation, with utilization at 26% for practitioners, 19% for pharmacists. Rustvang reviewed a summary of the meeting, and indicated the program is growing with more people wanting access.

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing Annual Meeting, August 12-14, 2009
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call - October 20
10.2-2 Education Consultant Network – November 10
10.2-3 Discipline Networking Call – Oct 20, Dec 8
10.2-4 EO Network – October 19
10.2-5 NLCA Meeting – October 20
10.2-6 Mid-Year Meeting – March 2010
10.2-7 NCSBN Executive Officers Leadership Seminar – June 22-23
10.2-8 Annual Institute of Regulatory Excellence – January 19-22, 2010
10.2-9 IRE Committee – October 26-27, 2009
10.2-10 Board Investigator & Attorney Workshop
10.2-11 NCLEX Invitational – September 21, 2009
10.2-12 Practice Consultant – October 28
10.2-13 NCLEX Examination Committee – January 19-21, 2010
10.2-14 Workshop on Regulation of Unlicensed Assisted Personal (UAP) – June 29-30, 2010
10.2-15 TERCAP User Conference Call – Nov 2, Jan 5, 2010
10.2-16 Uniform Core Licensure Requirements - September 1-3, October 20-21
10.2-17 Executive Exam Council & NCSBN Meeting – September 28-29, 2009
10.2-18 CORE – September 21
10.2-19 Transition to Practice
10.2-20 IT Summit – May 11-12, 2010
10.3 ND Nurse Leadership Council, September 24; November 6 (cancelled)
10.4 ND Organization of Nurse Executives – September 9
10.5 ND Nurses Association - October 9, 2009
10.6 ND Rural & Public Health Conference – April 13-15, 2010
10.7 ND LTCA Conference – May 5-8, 2009
10.8 ND Health Care Association Annual Meeting
10.9 Nursing Education Consortium
10.10 PHEVR/MRC Advisory Committee – October 20
10.11 Center Champion Nursing America Capacity Summit Team – September 23; October 26
10.12 ND Hospital Tele-Pharmacy Project Report
10.13 Caregiver Services Advisory Committee

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Staff Presentations:

11.1 Violations of NPA, Dakota Nursing Program, October 5, 2009

11.2 Violations of NPA/Workplace Impairment Program, MCO College of Nursing – October 12, 2009

11.3 Delegating Effectively, NADONA, Grand Forks, February 11, 2010

Lunch – 11:50 a.m. to 12:45 p.m.

The meeting recessed for lunch from 11:50 a.m. to 12:45 p.m. on November 19, 2009.

The board recessed at 4:45 p.m. on November 19, 2009 and reconvened at 8:30 a.m. on November 20, 2009 for a strategic planning session.

The meeting adjourned at 10:50 a.m. on November 20, 2009.

Constance B. Kalanek, RN, PhD

Executive Director

Draft 11/30/2009